

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

July 6, 2018

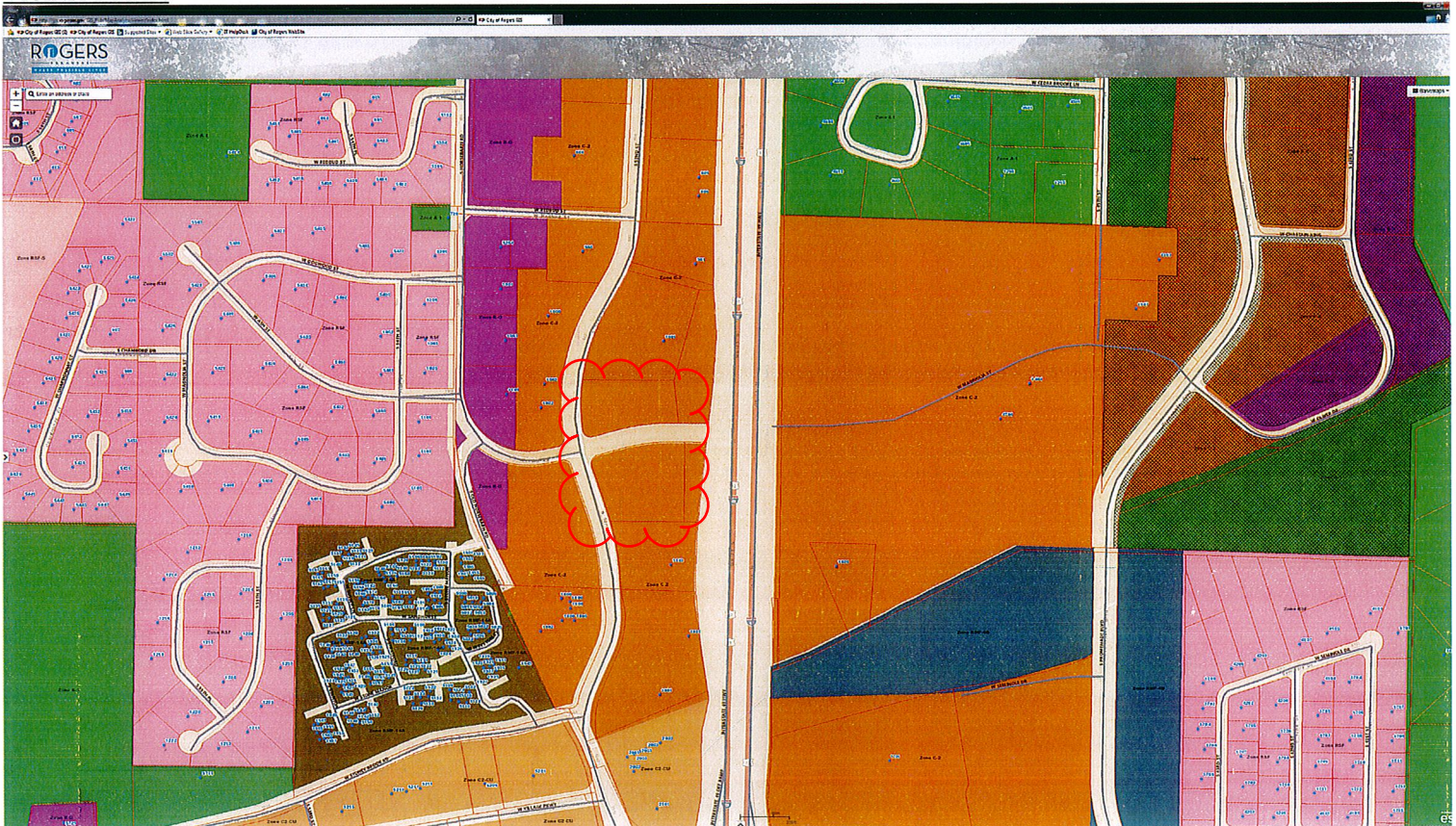
STAFF SUMMARY REPORT

TO: BOARD OF ADJUSTMENT

SUBJECT: VARIANCE #18-44 and 18-45 – CITY OF ROGERS/HORSEBARN HOLDINGS LLC

ADDRESS:	Lots 17b and 15a, Metro Park South
LAND OWNER:	Horsebarn Holdings LLC
APPLICANT/REP:	City of Rogers
ZONING DISTRICT:	C-2 (Highway Commercial)
REQUEST:	Front and exterior side setback reduction to offset Rights-of-Way donations to city
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

VICINITY MAP:



BACKGROUND

- The applicant and the city of Rogers have been in negotiations to obtain additional Rights-of-Way for the extension of Magnolia Street over I-49 to connect S. 52nd Street to S. Promenade Blvd.
- The reduction in setback for these two lots will allow the developer to retain the buildable area within each lot despite the additional Right-of-Way being donated to the city.

STAFF REVIEW

ENGINEERING REVIEW: N/A

PLANNING REVIEW:

- 1) Land Use: N/A
- 2) Disposition of Structures: Both lots are undeveloped.
- 3) Hardship: Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- 4) General Findings: Staff finds the variance requests to have merit due to the city's need for additional Right-of-Way and the fact that said lots were plotted in 2006, prior to plans for the Magnolia Street extension. The reduction in setbacks will not have a negative impact on the surrounding development and is in keeping with the zoning ordinance and the Rogers Development Code in general.
Per Sec. 14-724(e)(1), the Board should grant this variance *"only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance"*.
- 5) Views of Others: No supporting or opposing comments have been received by the Planning Division.
- 6) RECOMMENDATIONS:
 - a) Approve the request based on hardship caused by the city donation. The applicant must provide an official setback and utility easement reduction survey if the variance is approved.

LORI ERICSON, Planning Administrator
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

Lot 17B: "Motion to approve the variance request for a reduction in the exterior side and front setback in varying amounts as requested up to 20 feet, 7 inches."

Lot 15A: "Motion to approve the variance request for a reduction in the exterior side and front setback in varying amounts as requested up to 21 feet."

DIRECTOR'S COMMENTS:

- 1) Agree with recommendations and suggested motion.

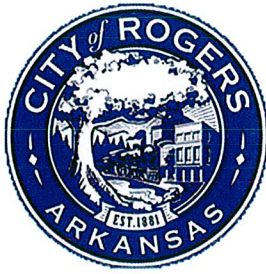


JOHN C. MCCURDY, Director
City of Rogers Department of Community Development

Tabs:

1. Variance application and required supplements

Note: staff recommendations are based on the documentation available at the time of request and may not reflect all information made available to the officials during discussion and consideration.



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Board of Adjustment Members.

The City of Rogers is in negotiations with Horsebarn Partners LLC for additional Rights-of-Way along the new Magnolia Street extension. The additional ROW will cause undue hardship for the property owner in that the buildable area of the undeveloped lots will be reduced, thus reducing the value of the lots and the type of development that may occur.

Please grant the variance as requested.

Thank you,

Jennifer Moore
Project Manager



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OFFICE USE ONLY

Permit Fee: waived for city project (\$100)

Zoning: C-2

App Number: 18-44

CityView Application: PL201800344

Date: 6-28-18

VARIANCE APPLICATION

APPLICANT: City of Rogers on behalf of Horsebarn Holdings LLC

ADDRESS: 301 W. Chestnut SUITE #: _____

GENERAL LOCATION OF PROPERTY: South 52nd Street at new connection with Magnolia St. (LOT 179)

PHONE #: 621-1186 EMAIL: ljobe@rogersar.gov

PROPERTY OWNER: Horsebarn Holdings LLC PHONE #: 640-6392 Hunter Haynes

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
- ☐ Variance from zoning ordinance

EXPLAIN REQUEST: *Request is to allow the city to negotiate a Right-of-Way donation without reducing the buildable area for the property owner.*

Jeff Moore
Applicant Signature

6/28/18
Date

Attachment Checklist:

- ☐ Letter explaining hardship or reason for request
- ☐ Legal description of property
- ☐ Relevant supporting documents
- ☐ Survey or sign proofs as needed

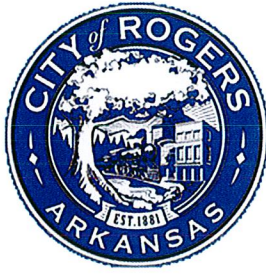
PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** in the **Community Room** at City Hall at 301 W Chestnut Street on **July 12, 2018** at **4:00 p.m.** on the application by **City of Rogers on behalf of Horsebarn Partners** under the provisions of the City of Rogers Code of Ordinances, for a **variance to allow a reduction in the front and exterior side setbacks at varying distances for a maximum of 21-foot decrease** in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District, more particularly described as follows:

LEGAL DESCRIPTION:

Lots 15A, Metro Park South, City of Rogers, as recorded in Benton County, AR

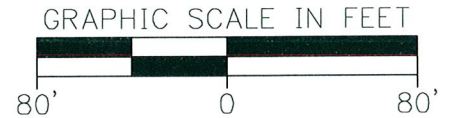
LAYMAN'S DESCRIPTION:

A 1.76-acre undeveloped lot at S. 52nd and the future Magnolia Street

Juli Zimmerman, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **July 2, 2018**
BILL THE CITY OF ROGERS

EXHIBIT B-HORSEBARN-0425LJ
PARCEL #02-20829-000

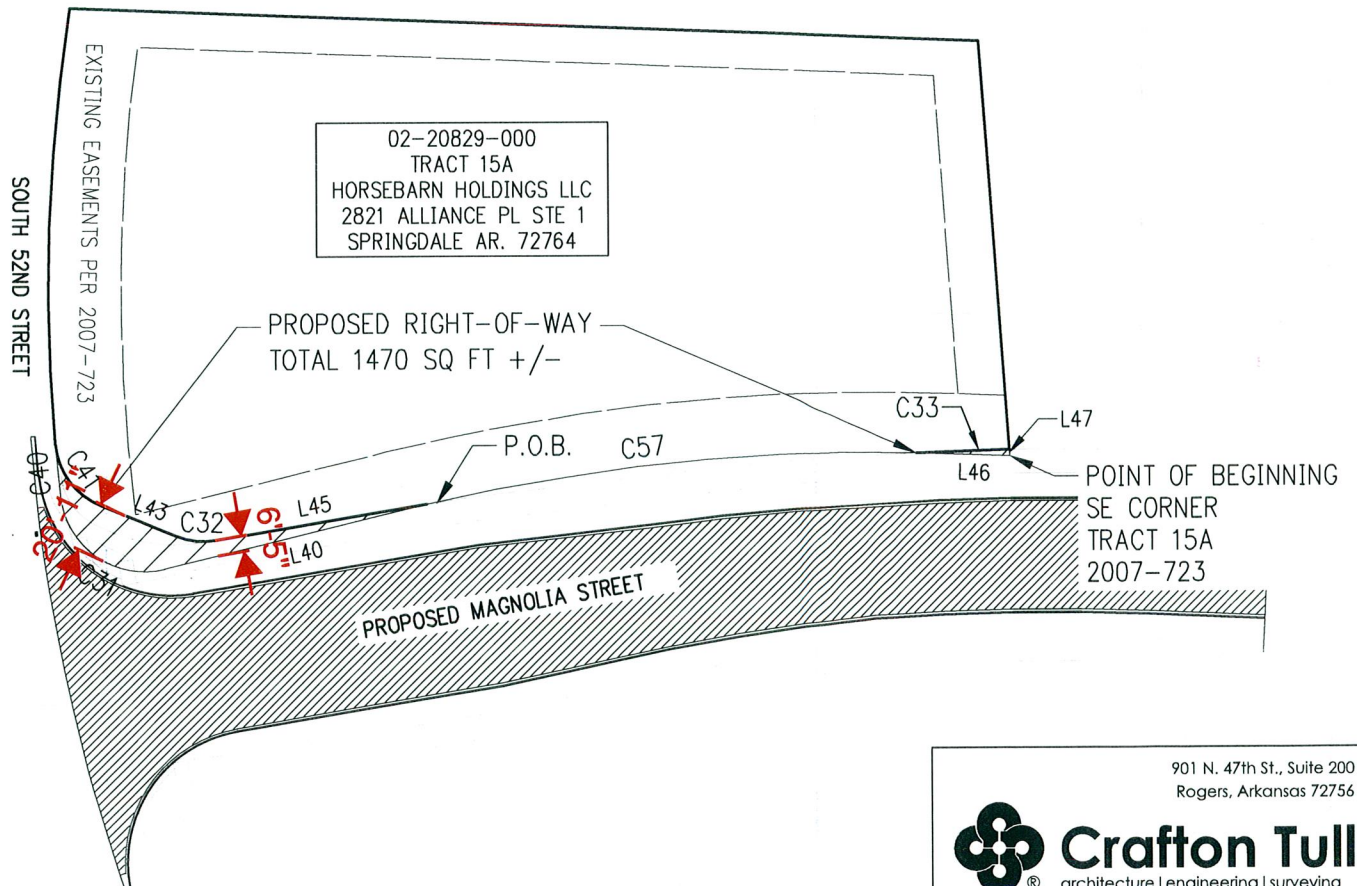


PARCEL LINE TABLE

LINE #	LENGTH	DIRECTION
L40	112.75'	S76° 24' 36"W
L43	34.02'	S67° 59' 31"E
L45	89.61'	N80° 39' 05"E
L46	39.40'	N87° 46' 55"W
L47	2.83'	S4° 05' 37"E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C31	59.52'	35.00'	97°26'06"	N54° 54' 39"W	52.60'
C32	16.42'	30.00'	31°21'24"	S83° 40' 13"E	16.21'
C33	39.19'	1044.00'	2°09'03"	N88° 05' 55"E	39.19'
C40	21.68'	760.00'	1°38'05"	N5° 32' 00"W	21.68'
C41	33.13'	30.00'	63°16'33"	S36° 21' 14"E	31.47'
C57	205.35'	840.00'	14°00'23"	S84° 08' 09"W	204.84'



901 N. 47th St., Suite 200
Rogers, Arkansas 72756



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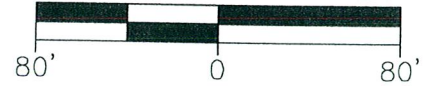
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EXHIBIT B-HORSEBARN-0425LJ
PARCEL #02-20829-000



GRAPHIC SCALE IN FEET

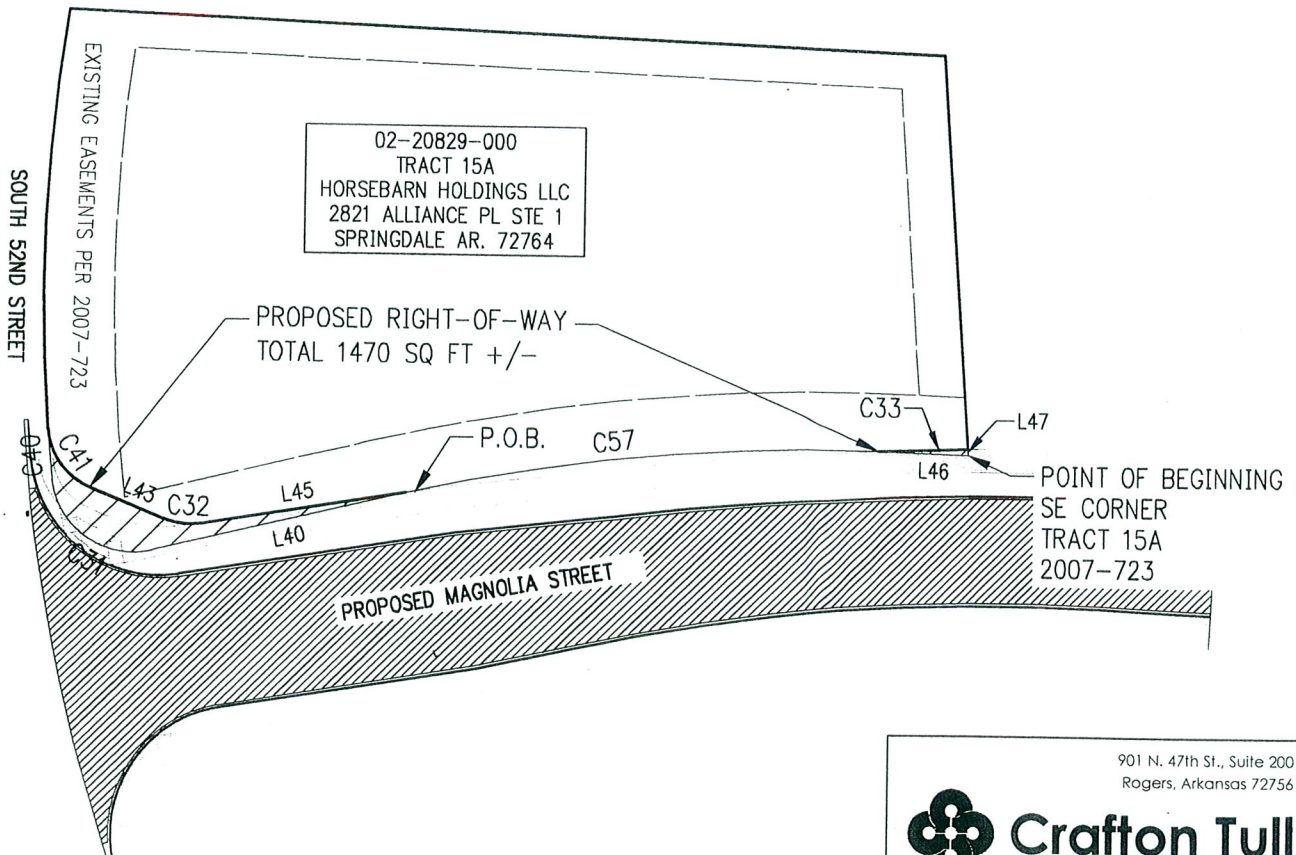


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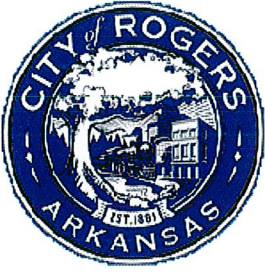
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04/02/2018

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CityView Application: PL201800343

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Jerry Moore
Applicant Signature

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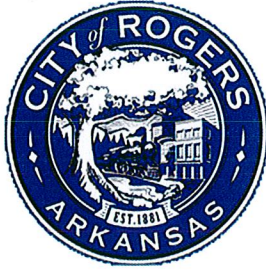
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SECRETARY, BOARD OF ADJUSTMENT

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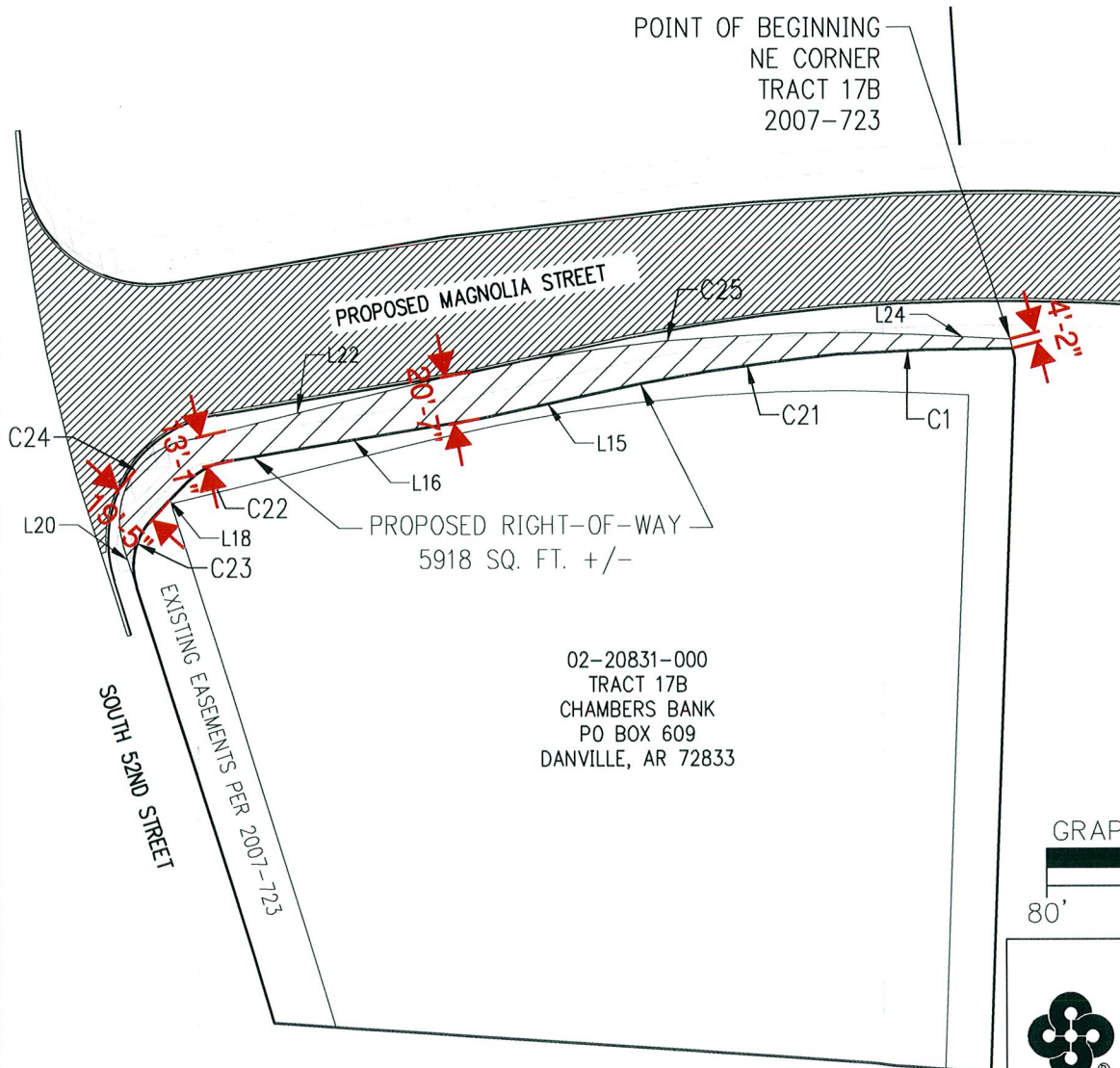
EXHIBIT B-CHAMBERS-0425LJ
PARCEL #02-20831-000

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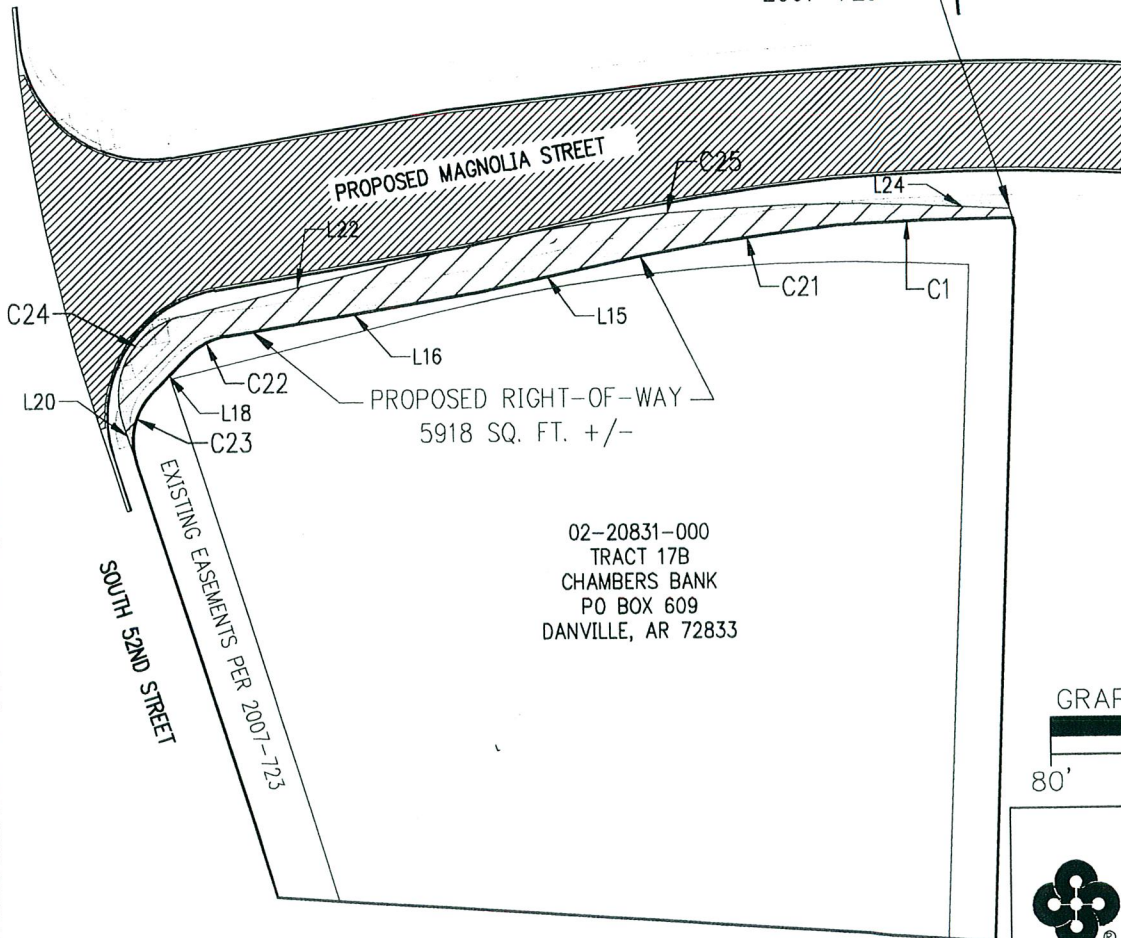
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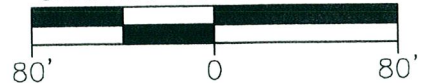
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